

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

NORMA BROWN GRIFFIN,

Petitioner,

v.

CIVIL ACTION NO. 5:17-cv-03111

STATE OF WEST VIRGINIA *ex rel.*  
HOME CONFINEMENT DEPARTMENT OF  
GREENBRIER COUNTY, WEST VIRGINIA,

Respondents.

**MEMORANDUM OPINION AND ORDER**

On June 1, 2017, the Petitioner, proceeding *pro se*, filed a Petition Under 28 U.S.C. § 2254 for a Writ of *Habeas Corpus* (Documents 2 & 3). Subsequently, on June 27, 2017, the Petitioner filed a Motion for Preliminary Injunction (Document 18). On July 13, 2017, the Respondents filed a Motion to Dismiss (Document 24).

By *Standing Order* (Document 6) entered on June 2, 2017, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. On December 21, 2017, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 38) wherein it is recommended that the Petitioner's Motion for Preliminary Injunction (Document 18) be denied, the Respondents' Motion to Dismiss (Document 24) be granted, the Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of *Habeas Corpus* (Documents 2 & 3) be

dismissed without prejudice, and this matter be removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by January 8, 2018.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's Motion for Preliminary Injunction (Document 18) be **DENIED**, the Respondents' Motion to Dismiss (Document 24) be **GRANTED**, the Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of *Habeas Corpus* (Documents 2 & 3) be **DISMISSED without prejudice**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: January 16, 2018



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA